

Appeal Decision

Site visit made on 18 April 2005

by **R D Hiscox** MA(Oxon) DipTP MRICS MRTPI

an Inspector appointed by the First Secretary of State

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Date

13 MAY 2005

Appeal Ref: APP/E0345/A/04/1166837

1 Derwent House, Brunswick Street, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J and Mrs C Taylor against the decision of Reading Borough Council.
- The application Ref 04/00628/FUL/SJH, dated 19 May 2004, was refused by notice dated 22 September 2004.
- The development proposed is a 3-storey extension to side of property, converting property into 8 units, one of which is a detached stable cottage.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. For the appellant, a legal undertaking has been submitted to deal with financial contributions towards transport, local recreation/leisure and education infrastructure improvements. The Council has confirmed that this undertaking is acceptable and that the 3rd reason for refusal is satisfactorily addressed.

Main Issues

2. The main issues between the appellant and the Council in this case are:-
 - The impact of the proposal upon the character and appearance of the area;
 - Whether or not it would make adequate provision for private amenity space for the residents.
3. I am mindful that the Reading Civic Society and local residents have raised a number of other concerns, including possible listing of the building, its loss as a family home, impact upon local on-street parking conditions and possible overlooking or loss of privacy.

Planning Policy

4. The development plan for this area includes the Berkshire Structure Plan, adopted in 1995, and the Reading Borough Local Plan adopted in 1998.
 5. The relevant policies drawn to my attention are HSG 6 and HSG 8 in the local plan. Policy HSG 6 sets out criteria for conversion of properties into flats. These include impact from noise and disturbance to other residential properties, impact on the amenity and character of the surrounding area, the provision and location of adequate on-site car parking, and the provision of adequate outdoor amenity and play space where appropriate. Policy HSG 8
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deals with house extensions. The main relevant criteria include not to significantly reduce sunlight or daylight to neighbouring properties and not invade the privacy of neighbouring properties, not to detract from the character of neighbouring properties or the street and to complement the original building.

6. References are also made to Supplementary Guidance Notes (SPGs) "A Design Guide to House Extensions", "Space around Dwellings" and "House Conversions and Houses in Multiple Occupation".

Reasons

Character and appearance

7. The appeal property is a large detached Victorian house situated in a residential area to one side of the more commercial character along Oxford Road. This area is characterised by a mix of Victorian and early 20th Century dwellings with some more modern infill. Some of the properties have been converted into flats, and there is one development of purpose built modern flats.
8. The house is essentially a 2-storey house as viewed from the front, but with 2nd floor accommodation in the roof and lit by side windows in the gable ends, and with basement accommodation utilising a fall in ground levels to the rear and western side of the site. That would remain the situation in the proposed conversion. The proposed extension would be on the western side of the building, and would also utilise the fall in ground levels to provide accommodation on 3 floors at the levels of the existing basement, ground and 1st floors. The extension would rise to approximately one metre below the existing eaves height with a ridge some 2 metres below the existing main ridge. It would be set back some 6.9 metres from the front elevation, with a width of 5 metres and a depth of 9.9 metres. The coach house would be a simple conversion of the existing building.
9. The Council takes the view that the proposed extension would be a large and imposing structure, and although it is set back from the front of the property, it would still be visible from Brunswick Hill. It is believed that the scale, massing and width of the extension would detract from the Victorian character and appearance of the house and from other attractive buildings in the locality. It is argued that it would not therefore meet the requirements of Policy HSG 8 or the SPG for House extensions. For the appellant it is pointed out that the existing house is set to one side of the plot, leaving over 40% of its width without building cover, and argued that it is a natural progression to extend the building while keeping the extension subservient to the main structure. It is argued that the proposal would not detract from the character of the area.
10. I saw at my visit to the site that, being set so well back from the frontage of the existing building, this proposed extension would be seen from a very limited length of Brunswick Hill when passing the site. From viewpoints further along the road, it would be obscured by other buildings. Being built to be set well back from the existing front elevation, and to below the existing eaves and ridge heights, it would clearly be a subservient structure. The open nature of this side of the site is such that it would also leave a reasonable space around the building and would not be out of character with the street scene in this regard. I share the view of the Council, the Reading Civic Society and others who have made representations that the existing house is an attractive Victorian domestic building, but in my view most of the features that make it attractive would be retained and the extension is

designed to replicate these in terms of materials, roof pitch and fenestration. An appropriate planning condition would ensure the use of suitable materials. Overall I see no especial reason why the proposal would be of particular harm to the appearance of the building or the character of the street scene.

Amenity space

11. The SPG "Space around Dwellings" takes forwards the requirement in Policy HSG 6 to provide adequate outdoor amenity space, and indicates a requirement of 25sq.m. of amenity space for each flat. A house should have a usable private garden area of no less than its gross floor area, a requirement that the coach house conversion meets with its own separate private garden. The Council calculates that the remaining space available amounts to only 142 sq.m., amounting to only 20 metres per flat and failing to meet the SPG standard. For the appellant, it is calculated that there is in fact 197 sq.m. for the 7 flats, amounting to 28 sq.m. per flat and exceeding the standard.
12. It is not clear to me what area was measured in the case put forward for the appellant. From my measurement of the area shown as communal garden on the submitted site plan, I find it to be almost 14 metres wide by some 10 metres deep, giving an area of roughly 140 sq.m., in line with the Council's case. There are other areas around the house that could have been brought into the calculation, but it seems to me that these are more circulation space than private amenity space. Regardless, however, I am not persuaded that a space of 140 sq.m. should necessarily be considered unacceptable in this instance. I have no details before me in this case as to the status of the SPG or the weight that should be given to it. I am mindful of the guidance in Planning Policy Guidance note 3 (PPG3), "Housing" seeking to make the best use of available urban land, and in that context consider that prescriptive standards such as those in the SPG should be applied flexibly where possible. In this particular instance, the 140 sq.m. of amenity space available is well enclosed and private and could form a pleasant small garden providing high quality outdoor space. I see no reason why that should not be acceptable for the 7 flats proposed.

Other considerations

13. The Reading Civic Society is concerned about the principle of conversion, and loss of a family home, and also that the building may be worthy of listing. However, permission has already been granted for conversion of the house without extensions into 4 flats, and the Council's Conservation Officer has stated that the building is not considered suitable for listing.
14. Residents in the area have concerns about traffic movements and effect upon the local car parking situation. The proposal would provide 8 off-street car parking spaces in a forecourt to the front of the building. This would be satisfactory to the Council. Given that this is a relatively accessible location, with public transport and a good range of shopping and other facilities within close proximity, and bearing in mind Government guidance in PPG3 regarding the provision of parking, I see no reason why 8 spaces should not be a satisfactory provision for a proposal such as this.
15. The occupier of no. 3 Brunswick Hill is concerned that the proposal would result in loss of privacy. I saw from the submitted drawings and from my visit to the site that there are 1st floor bedroom windows some 1.2 metres wide and 1.5 metres tall in the existing building facing towards this adjoining property. In the appeal proposal, there would be one small

window some 0.6 metres wide and less than 1 metre tall. The appellant's case states that this would serve a w.c., but it is clear from the drawings that it would be a secondary window to serve the kitchen part of a combined living area. I appreciate that this window would be closer to the adjoining property, but given its very restricted size, I am not persuaded that it would give scope for unacceptable overlooking, particularly bearing in mind the benefit of removing the existing much larger windows facing in this direction. There would be two new 1st floor bedroom windows in the rear elevation, but the separation from properties in Ormsby Street to the rear would be over 20 metres, and I do not consider this to be an unacceptable situation. There would be no change from the existing situation as regards windows looking towards adjoining properties in Argyle Street to the east.

Conditions

16. The Council has suggested a number of conditions to be attached to any permission granted should this appeal be allowed. I have considered these conditions bearing in mind the guidance and model conditions set out in Circular 11/95 "The Use of Conditions in Planning Permissions".
17. Proposed condition 1 is the statutory time limitation. Proposed condition 2 would require noise insulation to the Building Regulations standard. As this is a requirement of Building Regulations, there is no need for a planning condition this effect.
18. Proposed condition 3 would restrict hours of work, which is necessary to protect neighbouring residents from disturbance at unreasonable hours. Proposed condition 4 would require the proposal to be carried out in accordance with the approved plans. This is not strictly necessary, as this is implicit in any permission granted, but if the Council wishes this could be brought in as a requirement of approval of a construction method statement, as proposed in condition 9. In my view, such a method statement is a reasonable requirement, but there is no need for a condition to seek to detail all its requirements.
19. Proposed condition 5 seeks to ensure that the three 2-bedroom units remain as 2-bedroom units. As planning permission would be needed to subdivide and create additional dwellings, I am not persuaded that this is necessary. Proposed condition 6 would require all bathroom and wc windows to be obscure glazed and retained so. This would normally be the choice of developers and occupiers, but I do not see that this need be the subject of a condition to restrict whatever choice future occupiers may wish to take.
20. Proposed conditions 7 and 8 require approval and implementation of details of the bin stores and cycle storage facilities. This is a reasonable requirement, but can be combined into one condition. Proposed condition 10 would require the use of materials to match those existing, which is reasonable and necessary, as is the requirements of conditions 11 and 12 for the approval and implementation of landscaping. Proposed condition 13 seeks the retention of vegetation on the northern boundary. This is a reasonable requirement, but can be incorporated in the landscaping condition requiring details of trees to be retained.
21. Proposed conditions 14 and 15 require the car parking spaces to be provided and retained, and the access to be constructed in accordance with approved details, both of which are necessary. Proposed condition 16 would remove permitted development rights for extensions to the coach house or structure in the curtilage. In view of the restricted environment around the coach house, I consider this to be reasonable.

Conclusions

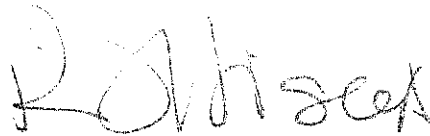
22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

23. In exercise of the powers transferred to me, I allow the appeal, and grant planning permission for a 3-storey extension to side of property, converting property into 8 units, one of which is a detached stable cottage at 1 Derwent House, Brunswick Street, Reading in accordance with the terms of the application, Ref 04/00628/FUL/SJH, dated 19 May 2004, and the plans Issue 4 submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) No construction works, including the delivery of materials to the site, shall take place outside the hours 0800 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays. No work shall take place on Sundays or Bank Holidays.
- 3) Before any development commences, a construction method statement shall be submitted to and approved in writing by the local planning authority. Construction shall take place entirely in accordance with the method statement unless the local planning authority agrees in writing otherwise.
- 4) Details of the bin storage areas (including ventilation and management), and of the cycle storage facilities shall be approved by the local planning authority and these facilities provided prior to the first occupation of any dwelling unit in the development.
- 5) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft landscape works shall include details of trees and other vegetation to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 8) No dwelling unit shall be occupied until space has been laid out within the site in accordance with the approved drawings cars parking, and these spaces shall be retained thereafter for the use residents of the approved scheme and their visitors. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the coach house and no structures erected in the curtilage without prior approval in writing of the local planning authority.



Inspector